

## EXECUTIVE SUMMARY AND KEY FINDINGS

By creating the Equal Access Fund in 1999, the Legislature has made an important contribution towards achieving equal justice in California. The fund helps the most vulnerable Californians when they face critical, life-changing legal issues affecting their basic needs, their safety, and their security—issues such as elder abuse, domestic violence, family support, housing, or access to needed health care. In recognizing the need and establishing the Equal Access Fund under the Judicial Council, the California Legislature joined 37 other states in providing funds to address the need for civil legal aid. The ten million dollars per year that it provides, and its effective use by legal aid providers working with local courts, has helped California become a national leader in ensuring equal access to justice in its courts.

The Equal Access Fund provides a crucial supplement to other public and private funds available in California for the 99 nonprofit legal aid providers striving to meet the civil legal needs of the low-income, the elderly, and people with disabilities. Ninety percent of the Equal Access Fund grants to providers go directly to free civil legal services for these clients. The remaining 10 percent support court-based self-help centers run by legal aid providers in partnership with local courts.

Although the total available funding falls far short of the need found by the recent *Path to Equal Justice* report, thousands of low-income Californians who would otherwise have gone unassisted have received legal help since 1999 because of the Equal Access Fund.

This report responds to the following charge from the Legislature:

The Judicial Council shall report to the Joint Legislative Budget Committee no later than March 1, 2005 on the efficiency and effectiveness of the operations of programs funded from the Equal Access Fund including an assessment of the program's success in meeting the unmet needs of unrepresented litigants. In addition, the report shall include

*"I came to this place when I was confused, desperate and nobody could give me any advice. My family was under violent situations day to day. This place was helpful to me and my sons. I'm thankful for this legal aid office, I don't have enough words to express how different we live, and I just have to recognize their valuable help."*

—Domestic violence victim



Eighty-five-year old Alma is confined to her bed and needs 24-hour assistance because of a hip condition. A live-in caregiver, Connie, handled her finances, and a second caregiver looked after her in the evenings. Over time, Connie became verbally abusive toward Alma, and one day she simply left for the day without feeding her. The evening caregiver arrived and found Alma terrified and hungry.

The county Adult Protective Services Agency contacted a legal aid attorney. The attorney prepared a restraining order petition that day, went to Alma's home that evening to get her signature, and by the next morning had an order for the police to remove Connie from Alma's home. Subsequently, it was discovered that Connie had been taking money from Alma's accounts, and the matter was referred to the district attorney's office for prosecution.

recommended changes to the program to increase efficiency and effectiveness.

The report concludes that nonprofit legal aid providers have efficiently and effectively used their grants to provide legal assistance to some of the neediest Californians, but that there remains a tremendous unmet need.

## Key Findings

### 1. The Equal Access Fund improves the lives of vulnerable Californians.

*Equal Access Fund projects provide help to low-income Californians and others who are the most vulnerable to injustice.* Among those served are indigent people, the working poor, members of ethnic minorities, children, people who live in isolated rural areas, veterans, those with limited English proficiency, abused women, people with disabilities, the institutionalized, and the frail elderly.

*Nonprofit legal aid providers address varied and complex legal and human needs.* The legal assistance received by low-income Californians reflects the range of challenging problems they face. Equal Access Fund projects provide legal assistance to ensure the safety and security of children and families, protect threatened homes, maintain needed income, and gain access to required health care.

*Legal aid providers collaborate, form partnerships, and build relationships with one another to help clients solve their problems.* Serving the needs of low-income people in California requires innovative models of collaboration and partnership. The Equal Access Fund has supported efficiency and effectiveness through better coordination among legal aid providers as well as through relationship-building with the broader community.

*Low-income Californians are better educated about their legal rights and responsibilities.* To use resources efficiently, Equal Access Fund grants are often employed to educate clients about their rights and legal procedures. Many projects give clients the tools necessary to advance their own cases and address issues in their communities, providing additional help as needed to achieve a just resolution of their problems.

**2. Thoughtful and innovative delivery systems have been implemented to stretch Equal Access Fund dollars and maximize services to clients.**

*Services are closely tailored to meet client needs.* Maximum benefits are produced most efficiently by providing a continuum of service, from advice and referral through self-help assistance and limited representation to full administrative, trial, and appellate representation. By providing only as much representation or assistance as people need, and helping them solve their own problems to the extent they are able, Equal Access Fund grantees make the most of scarce resources and assist clients to take control of their own lives.

*Pro bono services provided by volunteer attorneys are expanded.* Many nonprofit legal aid providers use volunteer attorneys to augment the services they provide. Projects supported by the Equal Access Fund recruit, train, and supervise volunteer attorneys in order to expand existing services to clients and extend services to a wider range of legal problems that clients typically face.

*Effective use of technology leverages scarce resources.* The Equal Access Fund leverages resources by increasing the effective use of technology within the delivery system. Many projects use Web and other technologies to increase the reach and the impact of direct services. These innovative projects include a statewide resources and referral Web site; telephone hotline systems that extend program services to outlying areas; and software tools that enable clients to understand and prepare their own letters, affidavits, and pleadings, and to file for the Earned Income Tax Credit.

*The network for providing legal help to low-income people is strengthened.* The fund fosters partnerships among providers and allows them to join with other community-based organizations, the court system, executive branch agencies, and private law firms in providing a range of assistance to low-income Californians and their communities that would not otherwise be available.

**3. The Equal Access Fund strengthens, expands, and is efficiently incorporated into the legal aid delivery system.**

*Skilled staff members provide direct service to clients.* Virtually all Equal Access Fund money pays for staff who provide either direct services to clients or back-up support, such as training, advocacy materials, and assistance with major litigation.

*Scarce resources combine to further increase assistance to clients.* Most Equal Access Fund projects combine funding from

Carmen, a Spanish-speaking mother with young children, paid \$800 a month to live in a garage with no bathroom, running water, or insulation. The landlord's bathroom was useable at the landlord's discretion. When her landlord evicted her and threw her belongings in the gutter, Carmen went to a legal aid office. Advocates counseled her on her rights, recovered her lost rent and moving costs, and assisted Carmen in finding safe, affordable housing.

"California has achieved phenomenal progress in a few short years. California is still the leading force in caring, support, and concern for justice issues that affect low-income people. We at LSC are truly indebted to the leadership and support of our programs in California from the State Bar of California, the Access to Justice Commission, the Legal Services Trust Fund Commission, and the Legal Aid Association of California."

—Anh Tu  
Senior Program Counsel,  
Office of Program  
Performance,  
Legal Services Corporation

multiple sources to create larger and more stable service delivery systems. They further expand the funded services by partnering with other organizations and the courts, and by making extensive use of volunteer attorneys and law students.

*Grants are administered efficiently.* Equal Access funds are efficiently distributed using an existing system set up by the State Bar of California's Legal Services Trust Fund Program, and overseen by the Judicial Council. This system ensures effectiveness by granting funds to well-established, respected nonprofit legal aid providers using widely recognized quality control systems to ensure maximum efficiency.

*Evaluation improves services to clients.* The ability to document and evaluate legal aid efforts, while still in the early stages of development in most programs around California (and indeed the country), is growing. Also growing rapidly is the understanding that high-quality evaluation efforts can be economically undertaken and provide valuable information to improve the effectiveness and efficiency of service delivery to clients. The process of preparing this report has identified and supported some of the most comprehensive and creative of those evaluation efforts, many of which are being followed around the country.

*Clients consistently report high levels of satisfaction with the assistance they get from nonprofit legal aid providers.* Across a wide range of services and issues addressed, the clients surveyed reported very high levels of satisfaction with the help they received. When asked about areas of improvement, clients usually responded by suggesting the services or hours be expanded.

#### **4. The Equal Access Fund creates strong partnerships between the courts and nonprofit legal aid providers that benefit low-income litigants, the judicial system, and the public at large.**

*Low-income unrepresented litigants obtain increased access to courts.* The move toward providing self-help or limited-scope services, if appropriate, is gaining momentum and includes the enthusiastic participation of many courts. In addition to the Equal Access Fund partnership grants specifically earmarked for that purpose, legal aid providers have allocated non-partnership grant Equal Access money to self-help centers, along with funds they receive from other sources. Courts contribute scarce resources such as staff time, office space, computers, copiers, telephones, and money.

*Self-help services have saved resources.* Judges and court personnel express widespread support for partnership grant self-help

Jody, the oldest of five, took in her younger siblings, Debbie, Zack, Austen, and Katie. The four had been neglected and abused, frequently going without food and shelter. A relative had molested Debbie. They had moved seven times in five years, often missing school. Jody contacted a legal aid office, and advocates helped her obtain guardianships. Now the children live in a stable environment and are excelling in school. Zack participates in a gang prevention program, where he receives counseling and participates in community service.

centers, which allow many more low-income persons to be served efficiently and fairly by the courts. Court staff report that working in partnership with legal aid providers helps them to identify systemic problems for low-income people that can be addressed by changes in the way the court functions. Ultimately these changes may positively impact all litigants.

*Court services are streamlined through coordination among those working with the court system.* The state judicial system, legal aid providers, law libraries, local volunteer attorneys, and other groups are working together to improve access to justice for all Californians regardless of income or language ability. These coordinated efforts help identify gaps in service and avoid duplication of effort, which is crucial given the lack of adequate resources.

## **5. Despite the gains, significantly more funding is necessary to serve California's unrepresented litigants.**

*Legal aid providers cannot meet the demand for help.* The recent *Path to Equal Justice* report found that only 28 percent of the legal needs of low-income Californians were being met, and that statewide there are some 10,000 low-income people per legal aid attorney.

*Funding has not kept up with the escalating poverty rate in California.* Since 1989 California has consistently had a higher poverty rate than the national average. The situation for children is even worse since California alone accounts for the net national increase of 800,000 children in poverty since the late 1980's. Limited funding and increasing numbers of eligible clients hamper the efforts of legal aid providers to serve the most critical legal needs confronting their clients and their ability to help make the judicial system work more fairly and efficiently.

*Existing court-based self-help centers meet only a small portion of the unmet need.* The partnership grants established by the fund have filled a great need, but the requests for assistance far outstrip the resources available. The 25 self-help centers created, expanded or improved by the Equal Access Fund over the past five years cover only a small fraction of the court locations throughout California. The centers that exist lack the resources to stay open during all court hours, offer services in all areas needed by self-represented litigants, reduce waiting times, and provide the kind of one-on-one assistance that litigants and provider staff report is the most beneficial.

"One of the main benefits is that it turns around the idea that the courts are only for rich people and their problems."

—Superior court judge

## Recommendations



*If the Equal Access Fund is to truly fulfill its purpose, it must be increased to build on the statewide legal aid network that serves low-income people.* Comparing the services made possible by the Equal Access Fund to the demonstrated total need shows that many low-income persons in California do not have access to a legal aid provider or to services in areas of major concern, such as family law, housing, and income maintenance. Only on a very limited basis can Equal Access Fund grantees provide services beyond brief advice and counsel, or in languages other than English.

*Additional funding is needed to expand court based self-help centers.* Funding is needed to create centers in the courts that do not now have them, to provide adequate resources to allow the centers to stay open during all court hours, and to offer services for the full range of legal needs of self-represented litigants.

*Ongoing evaluation will continue to improve the delivery of legal assistance to low-income and marginalized Californians.* Well-developed evaluations use small amounts of money to obtain large insights that lead to better use of resources and improved services to clients. The Judicial Council and the State Bar's Legal Services Trust Fund Program must continue to provide their oversight and technical assistance to ensure that evaluation continues, that evaluation results inform program decision making, that the evaluation capacity is increased, and that efficient practices are shared with all legal aid providers.

California has much to celebrate at its five-year Equal Access Fund anniversary. The legislature has a remarkable opportunity to reflect on these successes, and use the lessons learned. By continuing and expanding the fund, it can multiply access to justice and assert its leadership role in addressing the needs of its most vulnerable citizens.